



## **Town of Arlington Select Board**

### **Meeting Agenda**

December 6, 2021

7:15 PM

Conducted by Remote Participation

1. Executive Order on Remote Participation

#### **CONSENT AGENDA**

2. Minutes of Meeting: November 22, 2021; November 29, 2021
3. Vote: Chapter 268A, Section 20(b)(3) Certification
  - a. David Gera  
Michael Rademacher, Director of Public Works

#### **OPEN FORUM**

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

#### **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

4. Discussion & Endorsement: ARPA Investment in Parks & Open Spaces Proposed Expenditure Plan  
Adam W. Chapdelaine, Town Manager  
Joseph Connelly, Director of Recreation
5. For Approval: Declaration of Trust for the Arlington Affordable Housing Trust Fund  
Kelly Lynema, Assistant Director, Department of Planning and Community Development  
Karen Kelleher, Chair, Affordable Housing Trust Fund

#### **CORRESPONDENCE RECEIVED**

6. Blue Bikes Rack and Pedestrian Safety at Railroad Parking Lot  
John D. Leone

#### **NEW BUSINESS**

## **EXECUTIVE SESSION**

- A. To conduct a strategy session in preparation for contract negotiations with nonunion personnel, the Town Manager, and/or conduct contract negotiations with same.
- B. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements: Approval of Executive Session Minutes of: November 1, 2021 and November 8, 2021
- C. To discuss the Open Meeting Law complaint of Mr. Patrick Higgins pursuant to M.G.L. c. 30A sec.21 (a)(1).

Next Scheduled Meeting of Select Board December 20, 2021

You are invited to a Zoom webinar.

When: Dec 6, 2021 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

[https://town-arlington-ma-us.zoom.us/webinar/register/WN\\_-22MvqDiRB2an7U5O6e\\_Jg](https://town-arlington-ma-us.zoom.us/webinar/register/WN_-22MvqDiRB2an7U5O6e_Jg)

After registering, you will receive a confirmation email containing information about joining the webinar.

**\*Notice to the Public on meeting privacy\*** In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.



## Town of Arlington, Massachusetts

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### Executive Order on Remote Participation

#### ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Open_Meeting_Law_Requirements___Remote_Participation_Post_State_of_Emergency_.pdf	Executive Order on Remote Participation



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
Arlington, MA 02476  
Phone: 781.316.3150  
Fax: 781.316.3159  
E-mail: [dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

**MEMORANDUM**

TO: Town Boards, Committees and Commissions

FROM: Douglas W. Heim

DATE: June 16, 2021

RE: **\*UPDATE\* Open Meeting Law Requirements & Remote Participation Post-State of Emergency**

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Arlington boards, committees, and commissions, please accept this memorandum as an update with respect to your obligations and options under the Open Meeting Law for holding public meetings and hearings in light of Governor Baker's decision to end the COVID-19 State of Emergency and rescind related Executive Orders effective June 15, 2021, including the March 12, 2020 "Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20" ("The Order").

In short, following his decision to rescind the Order, Governor Baker filed special legislation to extend public bodies' ability to conduct public meetings remotely in exactly the same manner set forth by the Order. That initial bill was received favorably but amended and signed by the Governor in its new form late last night. It must be noted that in an effort to pass the much need legislation quickly, minor administrative issues in the bill may require correction.

Nonetheless, germane to remote meetings, the bill as passed accomplishes three critical things for Arlington meetings:

1. *Allows for remote meetings and hearings by public bodies through April 1, 2022; (the initial legislation only extended these allowances through September 1, 2021);*
2. Retroactively approves any remote *meetings*<sup>1</sup> held yesterday; and
3. Allows for remote town meetings through December 15, 2021.

### **Options for the Future**

The bill allows committees and commissions to continue to conduct meetings entirely remotely but you will also have the options to conduct them entirely in-person, or in a “hybrid” manner where the public body meets in person, but the public is provided remote access (as allowed by Town and School policy respectively, and sufficiently resourced to meet requirements for remote meetings).<sup>2</sup>

As you will recall, remotely conducted meetings under the Order must provide “[a]dequate, alternative means” for public access which may include providing public access through telephone, internet, satellite enabled audio or video conferencing, or any other technology that enables the public to clearly follow the proceedings of the public body in real time (for most committees and commissions, the Zoom platform or similar technology). Remote participation also requires:

1. The Chair announce the name of the member or members who are participating remotely at the start of each meeting (and that the remotely participating members be reflected in the minutes)
2. That all votes be taken by roll call.
3. That members of the public body must be clearly audible to each other and to members of the public at all times;
4. That public bodies in remote executive sessions identify and approve any other persons present for executive session

If a hybrid meeting is held where only members or members and persons with business before the meeting are physically present, it is recommended that the foregoing requirements be applied to aid the public and other participants’ ability to follow the proceedings. Furthermore, please ensure that the public can access Zoom-based meetings without registration (by affording a dial-in option to listen rather than participate by video).

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<sup>1</sup> The status of hearings performed yesterday is not clear.

<sup>2</sup> Boards and Commissions holding legal hearings are reminded that they must also provide for public comment and testimony, which are not covered under the Open Meeting Law.

### **Already Noticed and Noticing Meetings in the Immediate Term**

For those public bodies who already noticed “in person” meetings but wish to switch to remote meetings, please contact the Town Clerk with updated information on the meeting “location” which can be published on the Town’s website and Community Calendar.

For those bodies noticing meetings or hearings taking place in the coming days and weeks, but still discerning where and how such meetings will take place, please include some version of the following contingency language:

*\*Meeting venue subject to change while remote participation legislation is pending. Please check the Town’s Website and Calendar for the latest information on the location or means to access the meeting. Meetings may be moved to physical locations.\**



## **Town of Arlington, Massachusetts**

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**Minutes of Meeting: November 22, 2021; November 29, 2021**

**ATTACHMENTS:**

	Type	File Name	Description
▣	Reference Material	11.22.2021_draft_minutes.pdf	Draft Minutes 11.22.2021
▣	Reference Material	11.29.2021_draft_minutes.pdf	Draft Minutes 11.29.2021



## Select Board Meeting Minutes

Date: November 22, 2021

Time: 7:15PM

Location: Conducted by Remote Participation

Present: Mr. DeCoursey, Chair, Mrs. Mahon, Vice Chair, Mr. Hurd, Mr. Diggins, Mr. Helmuth

Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

### 1. Executive Order on Remote Participation

Mr. DeCoursey opened the meeting by stating the Commonwealth passed on June 16, 2021, an act relative to extending certain COVID-19 measures adopted during the state of emergency, which among other things, allows public meetings to be conducted remotely until April of 2022. Tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. As such, all business will be conducted by roll call vote. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. Finally, both zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

## **FOR APPROVAL**

### 2. Acceptance of Funds Received From Various Entities

Douglas W. Heim, Town Counsel

Mr. Heim stated that it has been the practice throughout the past year, that when donations or gifts are being provided to the Town, we place them on the agenda to make sure the Select Board finds the donors acceptable and that any restrictions or conditions on the gifts are also acceptable. Mr. Heim explained that the donations of the Board tonight are straight forward.

The Board thanked the Cummings Foundation and Ocean State Job Lot Charitable Foundation for their donations.

Mrs. Mahon moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd:               yes



Mr. Diggins: yes  
Mr. Helmuth: yes  
Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

3. Holiday Stroll in Arlington Heights on December 11, 2021  
Arlington Heights Community Association (AHCA)  
Janet O'Riordan

Ms. O'Riordan appeared before the Board and stated that the AHCA will be having another window painting in the heights where there will be 53 windows painted in a winter theme. Ms. O'Riordan stated that they will be holding a stroll on December 11<sup>th</sup> to bring people to the heights community to view the windows as well as shop and dine. Ms. O'Riordan stated that there will be outdoor activities including cornhole as well as indoor activities such as kid's crafts and a puppet show. ACMI has offered to hold their annual tree lighting on the same night at 5:00p.m. Ms. O'Riordan hopes that going forward this will be an annual event.

The Board thanked Ms. O'Riordan and looks forward to the event.

Mr. Hurd moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes  
Mr. Diggins: yes  
Mr. Helmuth: yes  
Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

4. PJ Library Chanukah Lantern Walk  
Stephanie Marlin-Curiel, Commission for Arts & Culture

Ms. Marlin-Curiel appeared before the Board and stated that this event is for young families and will begin at Kickstand Café. They will assemble simple Hanukkah lanterns and begin their walk to Whittemore Park. Ms. Marlin-Curiel noted that the Police Department is aware of the event and will be working with them to ensure safety.

The Board thanked Ms. Marlin-Curiel and looks forward to the event.

Mr. Diggins moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes  
Mr. Diggins: yes  
Mr. Helmuth: yes  
Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

**CONSENT AGENDA**

5. Minutes of Meeting: November 8, 2021

Mr. Helmuth moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes  
Mr. Diggins: yes  
Mr. Helmuth: yes  
Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

## **PUBLIC HEARINGS**

6. 7:15 p.m.

a. Vote: MW RA Debt Shift

b. Discussion and Vote: Property Tax Classification - Tax Rate

Paul Tierney, Director of Assessments

Robert Greeley, Chair, Board of Assessments

Mr. Tierney thanked the Board of Assessors as well as his office staff for all their hard work and support during the year. Using the Classification Booklet that he provided to the Board prior to the meeting, Mr. Tierney explained that the Town will be raise \$148948266 through property taxes in Fiscal Year 2022. This amount includes 933510 from new growth, 10276792 from the various school debt exclusions, and 1845727 for water and sewer debt that is being transferred from the water and sewer enterprise fund. He also explained that when the \$142,948,266 is divided by the total taxable assessed value, the result is the proposed FY2022 tax rate of \$11.42 per \$1,000 dollars of value.

Mr. Greeley greeted the Board and stated that in the upcoming election he will not be running for reelection for the Board of Assessors as he is in the process of selling his home. The Board thanked Mr. Greeley for his long years of service to the Town of Arlington and wish him luck and good health in the future.

Ms. Winstanley-O'Connor noted that the tax rate is only increasing by 8 cents.

The Board would like to thank the Board of Assessors as well as the Assessor's Department for their hard work.

Mrs. Mahon moved approval of the MWRA Debt Shift of \$1,845,727.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes  
Mr. Diggins: yes  
Mr. Helmuth: yes  
Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

Mrs. Mahon moved approval of the Property Tax Rate of \$11.42 with a residential factor of 1.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes  
Mr. Diggins: yes  
Mr. Helmuth: yes

Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

## **APPOINTMENTS**

### 7. Human Resource Board (term to expire 6/30/2024)

Andrea Haas

Ms. Haas appeared before the Board and stated that she currently serves on the Equal Employment Opportunity committee with the HR director as chair and has enjoyed that opportunity to contribute to the Town. Ms. Haas seeks the opportunity to act on the Human Resource Review Board so that she can continue to assist the Town in making sure that our employees have an opportunity to be heard and to be compensated appropriately within their grades as is required by the bylaws.

The Board thanked Ms. Haas for her willingness to serve and look forward to working with her in the future.

Mr. Hurd moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes  
Mr. Diggins: yes  
Mr. Helmuth: yes  
Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

## **BOARD UPDATES**

### 8. Update: Status of Planned Improvements to Chestnut St./Mystic St.

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine gave a brief update and history of this project to the Board. Mr. Chapdelaine stated that as the Board recalls this matter was before them at their meeting of June 21<sup>st</sup>. Earlier this summer, and at that meeting, the Board approved TAC recommended safety improvements and the final vote was contingent upon appropriate reconciliation with the Federal Aid project of 1987. That is pursuant to a grant agreement that the Town had with both the Federal Government and the State for that section of the road, which required any future changes to the road to be reviewed and approved by MassDOT. Mr. Chapdelaine explained that at that meeting it was discussed that the Town would need to identify funding for this project, and he thinks that they have identified adequate funding within the Town's mobility improvements line item within the capital budget to be able to make these improvements. Regarding the timeline, on July 7<sup>th</sup>, the Town Counsel initiated contact with the State regarding the grant agreement and TAC recommendations and on July 22<sup>nd</sup>, the Town formally provided those plans to MassDOT. at the request of MassDOT, our Town Engineer provided them with more information on July 30<sup>th</sup>. During the period between July 30<sup>th</sup> and September, the Town Engineer made several phone calls to MassDOT district office inquiring on the status of the review of this project. On November 9<sup>th</sup>, the Town Engineer followed up with MassDOT once again and MassDOT responded asking if we

can resend plans, and on November 16<sup>th</sup>, they responded saying that they will review and respond. During this intervening period, the Town has put up the no turn on red sign and changed the existing parking signs per the TAC recommendations. Mr. Chapdelaine shared his frustration with the Board regarding this project and stated that as soon as they get review from MassDOT the Town will begin some of the short-term implementation changes.

The Board thanked Mr. Chapdelaine for his detailed update regarding this project and share the same frustration. The Board looks forward to hearing from MassDOT and implementing these changes as soon as possible.

## **OPEN FORUM**

The following members of the public spoke regarding Chestnut Street:

Paul Schlichtman, 47 Mystic Street

Linda Varone, 54 Medford Street

Marcy Beck, 221 Wachusett Avenue

Jo Anne Preston, 42 Mystic Valley Drive

## **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

### 9. Discussion and Vote: 21 Precinct Map

Reprecincting Working Group

Juli Brazile, Town Clerk

Jillian Harvey, Diversity Equity & Inclusion Director, briefly described the process leading up to this point. She noted that the reprecincting working group had more mapping tools and data resources available than in years past, and made an extensive effort to gather community input. Ms. Harvey stated that State law provides this opportunity for municipalities to reflect on local concerns and create new precinct boundaries that consider communities of interest. The group's recommended map incorporates some of these changes, whereas the alternative limited-change map adjusts only for population shifts.

Juli Brazile, Town Clerk, gave a brief review of the process and the working group's development of the final map options that incorporate both the Select Board's prior decision to narrow down the discussion to a 21-precinct map, and the constraint of the new House district lines.

The following members of the public spoke regarding reprecincting:

Annie LaCourt, 48 Chatham Street

Alan Linov, 19 Colonial Drive

Carl Wagner, 30 Edgehill Road

Paul Schlichtman, 47 Mystic Street

Lynn Bishop, 51 Windmill Lane

Ian Goodsell, 193 Mystic Street

Alex Bagnall, 10 Wyman Street

Elizabeth Pyle, 66 Gloucester Street

Judith Garber, 130 Massachusetts Avenue  
Don Seltzer, 104 Irving Street  
Elizabeth Dray, 130 Jason Street  
Lynette Culverhouse, 24 Draper Avenue  
Jo Anne Preston, 42 Mystic Valley Drive

After a lengthy discussion of the two precinct map options, the Board agreed that the recommended map put forth by the reprecincting group provides a meaningful opportunity to improve representation in Town Meeting.. The Board noted that they have heard from the public and have taken their comments and concerns into consideration. The Board feels that the recommended map, though not perfect, makes sense for Arlington.

Mr. Helmuth moved to accept the recommended map. A roll call vote was taken on the motion by

Mr. Heim. Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

### **CORRESPONDENCE RECEIVED**

#### 10. Beautification of Business Districts in Town

Beth Locke, Executive Director, Arlington Chamber of Commerce

#### 11. Traffic Concerns on Recently Changed Appleton Street

Hera Vlamakis, 6 Appleton Place

Mr. Diggins moved receipt and referred 11 to the Design Review Committee.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

### **NEW BUSINESS**

Mr. DeCoursey would like to wish everyone a Happy Thanksgiving!

Mr. Hurd moved to adjourn at 10:58 p.m.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

Next Scheduled Meeting of Select Board December 6, 2021

A true record attest

Ashley Maher  
Office Manager

11/22/2021

Agenda Item	Documents Used
1	Open Meeting Law Requirements Post State of Emergency
2	Memo from Board of Health Reference OSJL Donation Letter – Police
3	Holiday Stroll Proposal - Reference
4	Chanukah Lantern Walk Request
5	Draft Minutes 11.8.2021
6	Draft Property Tax Classification FY2022
7	A. Haas Meeting Reference
8	
9	Limited Change Map Recommended Map Public Comment
10	Beautification Letter C.R.
11	H. Vlamakis CR



## Select Board Meeting Minutes

Date: November 29, 2021

Time: 7:15PM

Location: Conducted by Remote Participation

Present: Mr. DeCoursey, Chair, Mrs. Mahon, Vice Chair, Mr. Hurd, Mr. Diggins, Mr. Helmuth

Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

### 1. Executive Order on Remote Participation

Mr. DeCoursey opened the meeting by stating the Commonwealth passed on June 16, 2021, an act relative to extending certain COVID-19 measures adopted during the state of emergency, which among other things, allows public meetings to be conducted remotely until April of 2022. Tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. As such, all business will be conducted by roll call vote. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. Finally, both zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

### 2. Final Vote: 21 Precinct Map

Stephen W. DeCoursey, Chair

Ms. Brazile appeared before the Board and explained that the Board has been provided with the map and table of census blocks which were produced by the Secretary of States Office and on Wednesday the Board was in receipt of the text descriptions of the precinct boundaries. Ms. Brazile noted that there are a few minor corrections to the narrative that the State has suggested. Ms. Brazile presented the map that was generated by the State as well as the proposed minor changes to the text which include: Precinct 9 – correct the spelling of “cemetery” and “centerline”

Precinct 10 – the addition of the word “along” so it reads as follows: proceeding northerly along Scituate Street to Arlmont Street. As well as the striking of the word “to” to read as follows: proceeding southerly along the shoreline of Spy Pond adjacent to Pleasant Street.

Ms. Brazile stated that these changes are purely grammatical and would not have harmed the underlying accuracy of the description.

The Board thanked Ms. Brazile for her hard work and care through this process as well as the working group.

Mr. Helmuth moved to accept as presented by the Town Clerk, the 2020 reprecincting plan for the Town of Arlington.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

### **NEW BUSINESS**

Mr. Chapdelaine would like to compliment the Health and Human Services team and the Arlington Public Schools as the Town dramatically leads in the rate of children ages 5-11 that have been vaccinated as compared to every other city and town in the Commonwealth. Mr. Chapdelaine stated that Arlington is almost at 90% vaccinated in that age group.

Mr. Helmuth would also like to acknowledge the hard work the Health and Human Services Team. Mr. Helmuth also noted that the Town announced \$100,000 was awarded for the Department of Energy's Green Communities Program to install high efficiency LED lighting fixtures at Peirce and Brackett Elementary Schools. The Planning and Community Development Department also received a \$300,000 grant to continue and improve the restoration work at the reservoir.

Mrs. Mahon noted that the Town has reopened the COVID rent relief program and information is on the Town's website for people who may want to apply. Mrs. Mahon also noted that the Town had a very successful booster vaccine clinic and questioned if the Town would offer more for citizens in the future. Mrs. Mahon also noted the premium pay for essential workers. Mrs. Mahon would like to place a concern regarding Alewife NPDES and the combined sewer overflows and flooding on a future agenda.

Mr. DeCoursey noted that the Town has received a number of calls regarding yard waste pickup and noted that on the Town's website there is a message on the recycling page to not call JRM directly and the Town is working with them to have the delays fixed. Mr. DeCoursey would like to acknowledge Christine Shaw from the Council on Aging, they run a Thanksgiving meal on delivery last week and it was very successful.

### **EXECUTIVE SESSION**

To consider the purchase of real property: 21 Maple Street, Arlington, MA 02476



Mrs. Mahon moved to enter executive session and to adjourn at 7:40 p.m.  
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes  
Mr. Diggins: yes  
Mr. Helmuth: yes  
Mrs. Mahon: yes  
Mr. DeCoursey: yes

SO VOTED (5-0)

Next Scheduled Meeting of Select Board December 6, 2021

A true record attest

Ashley Maher  
Office Manager

11/29/2021

Agenda Item	Documents Used
1	Open Meeting Law Requirements Post State of Emergency
2	Arlington Final 2021 Map Arlington Legal Boundary Descriptions Table



## Town of Arlington, Massachusetts

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### Vote: Chapter 268A, Section 20(b)(3) Certification

#### Summary:

a. David Gera

Michael Rademacher, Director of Public Works

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	D._Gera.pdf	Reference



**TOWN OF ARLINGTON**  
**DEPARTMENT OF PUBLIC WORKS**  
51 Grove St, Arlington, Massachusetts 02476  
Telephone (781) 316-3101 Fax (781) 316-3109

November 17, 2021

Town Clerk

Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476


RE: Chapter 268A, Section 20(b), (3) Certification

To Whom It May Concern:

On behalf of the Town of Arlington, Department of Public Works, I have offered part-time work as a Snow and Ice Contractor to David Gera who is currently employed full-time as a Firefighter with the Town of Arlington, Fire Department. The duties of a Snow and Ice Contractor will be outside David's regular duties with Arlington Fire Department and will be done outside of his/her regular working hours. The Department of Public Works will compensate him for not more than 500 hours per year. I hereby certify that the contract for a Snow and Ice Contractor has been publicly noticed or-if applicable-competitively bid, and that the Department of Public Works does not have sufficient staff available to perform the duties of Snow and Ice.

By their signatures below, members of the Select Board approve the exemption of David Gera from G.L.C. 268A, & 20(a), for the purposes of the contract described herein.

Signed,

  
Michael Rademacher, Director of DPW

Dated: 11/17/2021

Approved by Select Board,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_



## **Town of Arlington, Massachusetts**

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### **Discussion & Endorsement: ARPA Investment in Parks & Open Spaces Proposed Expenditure Plan**

#### **Summary:**

Adam W. Chapdelaine, Town Manager  
Joseph Connelly, Director of Recreation

#### **ATTACHMENTS:**

	Type	File Name	Description
▯	Reference Material	Final_Memo_to_Town_Manager_for_Playground_Phasing_Priority- _11-10-21.pdf	Memo from Recreation



## PARK and RECREATION COMMISSION

**Joseph Connelly**  
Director of Recreation

### COMMISSIONERS

*Jen Rothenberg      Leslie Mayer      Shirley Canniff      Phil Lasker      Scott Walker      Sara Carrier*

## M E M O

To: Adam Chapdelaine, Town Manager  
From: Joe Connelly, Director of Recreation  
Date: November 10, 2021  
Subject: Arlington Playground Phased Improvement Plan & Request for ARPA Funding

The Arlington Park Commission unanimously approved the Town of Arlington playground phased improvement plan at their November 9, 2021 meeting as illustrated below:

Ranking	Replacement Phase	Playground	Year Renovated(approximate)	Equipment Age	2019 Audit	2021 Inspection
1	Phase 1	Pheasant/Stratton	FY08	14 years	Hazard 1	Portions closed permanently
2	Phase 1	Peirce School 1-5	Prior to FY 97	Over 25 years	Hazard 1	Portions closed for repairs by outside contractor
3	Phase 1	Bishop	FY07	15 years	Hazard 1	K-2 structure was removed as recommended
*4	Phase 1	Robbins Farm	FY 03	19 Years	Hazard 1 - Recommended for complete renovation	Not Inspected
5	Phase 1	Menotomy	Prior to FY 97	Over 25 years	Hazard 1 - Recommended for complete renovation	Portions closed for repairs by DPW/outside contractor
6	Phase 1	Cutter	FY 01	21 years	Hazard 1 - Recommended for complete renovation	Portions closed for repairs by DPW
7	Phase 1	Poets	FY12	10 years	Hazard 1 - Recommended for complete renovation	Portions closed permanently
8	Phase 1	Buzzell	FY01	21 years	Hazard 1	Not Inspected
9	Phase II	Crosby	FY01	21 years	Hazard 2	Portions closed for repairs by DPW
10	Phase II	Locke	FY04	18 years	Hazard 2	Portions closed for repairs by DPW
**11	Phase II	Brackett	FY 99	23 years	Not reviewed	Not Inspected
12	Phase II	Parallel Park	FY13	9 years	Hazard 2	Portions closed for repairs by outside contractor
13	Phase II	Whittemore	Prior to FY 97	Over 25 years	Hazard 2	Not Inspected
14	Phase II	Thompson	FY14	8 years	Not reviewed	Not Inspected
15	Phase III	Waldo	FY04	18 years	Hazard 3	One peirce closed for repairs by outside contractor
16	Phase III	McClennen	FY06	16 years	Hazard 3	Portions closed for repairs by DPW
17	Phase III	Summer Street	FY06	16 years	Hazard 3	Not Inspected
18	Phase III	Hibbert	FY14	8 years	Hazard 3	Not Inspected
19	Phase III	Magnolia	FY16	6 years	Hazard 3	Not Inspected
20	Phase III	Florence/Dallin	FY13	9 years	Hazard 3	Not Inspected
					Hazard 1 = Loss of life, body part, permanent disability	
					Hazard 2 = Serious injury or illness resulting in temporary disability	
					Hazard 3 = Minor or major injury non disabling	
*	Park Commission requested funding through FY 23 CPA request					
**	APS requested capital funding for this project					
Phase III Not recommended for full renovation at this time						

The Town of Arlington is at the point where we need to upgrade several of our playground facilities, including playgrounds used daily by our elementary schools, immediately. The Park and Recreation Commission respectfully encourage Arlington's ARPA funding be used to make durable investments in our parks and open spaces for all users, thereby making significant strides in addressing the backlog of needed facility upgrades.

Using existing professional estimates from the Park and Recreation Commission's FY 22-26 Feasibility Study, as well as actual bid results of recent projects, I would estimate that four million dollars in ARPA funds would assist in the renovation of seven or eight of the top ranked playgrounds. Although subject to the current bid climate the hope would be to complete phase one of the playground renovation plan as outlined above.

Please note that several of our playgrounds not listed above are currently either under renovation or are in the design process including the Reservoir (FY20 CPA/Capital), Spy Pond (FY22 CPA), Parmenter (CDBG/State), and Wellington (FY 20 Grant).

The current plan is based on the 2019 playground audit, the 2021 playground safety inspections, and other known maintenance and use issues. The current plan may be adjusted periodically based on unforeseen maintenance issues and future safety inspections.



## **Town of Arlington, Massachusetts**

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### **For Approval: Declaration of Trust for the Arlington Affordable Housing Trust Fund**

#### **Summary:**

Kelly Lynema, Assistant Director, Department of Planning and Community Development  
Karen Kelleher, Chair, Affordable Housing Trust Fund

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Declaration_of_Trust.docx	Reference

## ARLINGTON AFFORDABLE HOUSING TRUST FUND

### **DECLARATION OF TRUST**

The Town of Arlington, pursuant to M.G.L. Chapter 44, Section 55C, hereby establishes the Town of Arlington Affordable Housing Trust for the benefit of all the inhabitants of the Town of Arlington in this manner and under the terms and conditions set forth herein.

#### **ARTICLE I:           Name of Trust**

The Trust shall be called the “Arlington Affordable Housing Trust Fund”, hereinafter referred to as the “Trust”

#### **ARTICLE II:           Purpose of Trust**

The purpose of the Trust shall be to provide for the preservation and creation of Community Housing in the Town of Arlington, as such term is defined in Section 2 of M.G.L. c.44B, the Community Preservation Act.

#### **ARTICLE III:         Appointment and Tenure of Trustees**

- A. There shall be a Board of Trustees composed of one *ex officio* non-voting member and seven (7) voting members. The ex-officio member shall be the Town Manager, or the Manager’s designee. The voting members shall be as follows:
1. One member of the Select Board to be designated by the Select Board;
  2. Six members appointed by the Select Board, who shall be residents of the Town or representatives of local housing organizations who may have relevant experience in the fields of real estate, housing, banking, finance, law, architecture, social services, or other areas of expertise applicable to advancing the purpose and goals of the Trust;
    - a. One of the six Select Board appointees must be a tenant who earns a low or moderate-income and resides in a subsidized housing unit as defined by M.G.L. c.40B or who receives state or federally-sponsored rental subsidies and demonstrates knowledge of tenant issues;
    - b. At least two of the six Select Board appointees shall be representatives of local housing organizations such as a housing authority or housing corporation dedicated to the creation and maintenance of affordable housing.
- B. Trustees shall be appointed for a term not to exceed two (2) years, or one (1) year, to provide staggered terms, and Trustees may be re-appointed at the discretion of the Select Board for succeeding terms, with no limits on the number of terms which a Trustee may serve.
- C. Trustee appointments must comply with Title II, Article 14 of the Town Bylaws. Any Trustee who ceases to comply with said Article shall promptly provide a written notification of the change to the Board and



the Town Clerk. As used herein, the term “Town” shall mean the Town of Arlington, Massachusetts. The “Select Board” means and refers to the Select Board of the Town.

- D. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Trust and Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her/their term of office expires, any successor Trustee shall be appointed by the Select Board to fill such vacancy. Any Trustee may be removed for cause by the Select Board following a hearing. If any Trustee is absent from four (4) consecutive regularly scheduled meetings of the Trust, except in the case of illness or other hardship, the Chair shall notify the Select Board, who may terminate said Trustee of the Trust position.

#### **ARTICLE IV: Powers of Trustee; Limitations**

- A. **Powers.** The Trustee shall have the following powers, which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. Chapter 44, Section 55C as outlined below:
1. To accept and receive real property, personal property or money, by gift, grant, contributions, devise, or transfer from any person, firm, corporation, or other public or private entity or organization or tendered to the Trust in connection with provisions of any by-law or any general or special laws or any other source, including money from General Laws Chapter 44B, the Community Preservation Act (“Chapter 44B”), provided, however, that any such money received from Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of the funds received from said Chapter 44B are reported to the Arlington Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue.
  2. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
  3. To sell, lease, exchange, transfer or convey any personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to the Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
  4. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trust engage for the accomplishment of the purposes of the Trust;
  5. To employ advisors and agents, including but not limited to accountants, appraisers and lawyers as the Trustees deem necessary;
  6. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;

7. To apportion receipts and charges between income and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. To compensate the Town for non-incidental services provided as authorized by the Town Manager and in accordance with applicable laws, and other Town services, as request by the Trustees to the Town Manager;
9. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
10. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
11. To carry property for accounting purposes other than acquisition date values;
12. With Select Board approval, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral.
13. To make distributions or divisions of principal in kind;
14. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Title II, Article 14 of the Town Bylaws, to continue to hold the same for such period of time as the Trustees may deem appropriate;
15. To manage or improve real property and to abandon any property which the Trustees determine not to be worth retaining;
16. To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
17. To extend the time for payment of any obligation to the Trust.

**B. Limitations.** Notwithstanding anything in the contrary herein:

1. Any borrowing by the Trust must be approved by the Select Board as outlined in Title II, Article 14 of the Town Bylaws and Article IV of this Declaration of Trust

2. Any borrowing by the Trust may not exceed 80 percent of the Trust's total assets. Any debt incurred by the Trust shall not constitute a pledge of the full faith and credit of the Town of Arlington, and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Arlington, with an acknowledgement of said statement by the holder; and
3. The Trust shall carry sufficient insurance, as determined by the Town Manager.

#### **ARTICLE V:           Officers**

- A. The Board of Trustees shall annually elect a Chair, Vice Chair, Treasurer, and a Clerk of this Trust. The officers shall serve for a term not to exceed one (1) year to expire annually on the month of the appointment or renewal of new Trustees so as to align with appointments to the Board of Trustees. Any officer may be re-elected by the Board of Trustees. The Chair shall not be a member of the Select Board.
- B. All meetings shall be chaired by the Chair, Vice Chair, or Trustee designated by the Chair. The Clerk shall be responsible for posting the agenda with the Town Clerk, keeping the minutes of each meeting, and filing minutes with the Town Clerk as required by applicable law.

#### **ARTICLE VI:           Meetings of Trustees**

- A. The Trust shall meet at least quarterly at such time and such place as the Trustees shall determine. Special meetings may be called by the Chair or by quorum of the Board of Trustees. Notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law, M.G.L. Chapter 30A, Sections 18 through 25.
- B. A quorum of the Board of Trustees shall be a majority of the number of voting Trustees then serving under this Trust.
- C. The chair may establish sub-committees and/or ad hoc task related committees to carry out the purpose of the Trust. Chairpersons of the sub-committees may be selected by the members of the sub-committees.

#### **ARTICLE VII:       Acts of Trustees**

- A. A majority of voting Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees, with the exception that any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property, borrowing, and mortgaging and pledging of assets must be approved by at least two-thirds of the appointed Trustees.
- B. No Trustee shall be required to post bond.
- C. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

- D. Any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property, borrowing, and mortgaging and pledging of assets must be approved by a majority of the Select Board.

#### **ARTICLE VII: Funds Paid to the Trust**

- A. Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trustees within one year of the date they were appropriated into the Trust, remain Trust property set forth in M.G.L. c.44, §55C.
- B. All funds, property and other assets shall be accounted for by the comptroller of the Town of Arlington who shall issue quarterly reports to the Trustees, Select Board, Town Manager and the Finance Committee and an annual report to the Town Meeting.

#### **ARTICLE VIII: Treasurer/Collector as Custodian**

- A. The Arlington Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds.
- B. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.
- C. In accordance with G.L. c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor, appointed by the Select Board, in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Select Board.
- D. The Trustee designated as treasurer shall liaise with the custodian of the funds on a monthly basis.

#### **ARTICLE IX: Amendments**

This Declaration of Trust may be amended from time to time, except as to those provisions specifically required under M.G.L., Chapter 44, Section 55C, or Town of Arlington General By-Law Title II Article 14, by an instrument in writing signed by a majority plus one (1) of the voting Trustees and approved at a meeting called for that purpose. A certificate of amendment shall be recorded and/or filed with the Middlesex South District Registry of Deeds and the Middlesex South District of the Land Court, as applicable (the "Registry").

## **ARTICLE X:           Duration of Trust**

The Trust shall continue as long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, the Trust may terminate by a majority vote of the Town Meeting in accordance with M.G.L. Chapter 4, Section 4B, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded and/or filed with the Registry. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portions of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

## **ARTICLE XI:           Construction of Terms**

In the construction hereof, whether or not so expressed, words used in the singular or in the plural respectively include both the plural and singular, word denoting males include females and words denoting persons include individuals, firms, associations, companies, trusts and corporations unless a contrary intention is to be inferred from or required by the subject matter or context. All the powers and provisions of the Trust herein contained shall take effect and be construed according to the laws of the Commonwealth of Massachusetts. Reference to the Trustee shall mean the Trustee or Trustees then serving for the time being hereunder.

## **ARTICLE XII:         Liability of Trust**

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purpose of General Laws Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purpose of General Laws Chapter 268A.

## **ARTICLE XIII:       Recording**

This Declaration of Trust shall be recorded and/or filed with the Registry.

## **ARTICLE XIV:       Records to be Conclusive, Certificate as to Facts**

Every contract, deed, mortgage lease and or instrument executed by a majority of the voting Trustees, as appears from instruments or certificates recorded with the Registry, to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that an instrument of termination pursuant to Article X and an instrument of amendment pursuant to Article IX hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by a majority plus one (1) of the voting Trustees. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

**ARTICLE XV: Titles**

The titles to the various Articles herein are for convenience only and are not to be considered part of the said Articles nor shall they affect the meaning or the language of any such article.

**IN WITNESS WHEREOF**, The Trustees of the Arlington Affordable Housing Trust Fund have hereunto set their hands and seals on the day and year first hereinabove set forth.

**ARLINGTON AFFORDABLE HOUSING  
TRUST FUND,  
By its Board of Trustees**

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COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the proceeding document, and acknowledge to me that he/she/they signed it voluntarily for its stated purpose as Trustee of the Arlington Affordable Housing Trust Fund.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

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Notary Public  
My Commission Expires:



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Notary Public  
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\_\_\_\_\_  
Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

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\_\_\_\_\_  
Notary Public

My Commission Expires:



## Town of Arlington, Massachusetts

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### Blue Bikes Rack and Pedestrian Safety at Railroad Parking Lot

#### Summary:

John D. Leone

#### ATTACHMENTS:

	Type	File Name	Description
▯	Reference Material	CR_Blue_Bike_Railroad_Lot.pdf	Reference

-----Original Message-----

From: John D. Leone <[John@Leonelaw.com](mailto:John@Leonelaw.com)>

Sent: Wednesday, December 1, 2021 5:33 PM

To: 'damstutz@town.arlington.ma.us' <[damstutz@town.arlington.ma.us](mailto:damstutz@town.arlington.ma.us)>;  
'jraitt@town.arlington.ma.us' <[jraitt@town.arlington.ma.us](mailto:jraitt@town.arlington.ma.us)>; 'Doug Heim'  
<[DHeim@town.arlington.ma.us](mailto:DHeim@town.arlington.ma.us)>; 'Adam Chapdelaine'  
<[achapdelaine@town.arlington.ma.us](mailto:achapdelaine@town.arlington.ma.us)>; 'SDeCoursey@town.arlington.ma.us'  
<[SDeCoursey@town.arlington.ma.us](mailto:SDeCoursey@town.arlington.ma.us)>; 'mkrepelka@town.arlington.ma.us'  
<[mkrepelka@town.arlington.ma.us](mailto:mkrepelka@town.arlington.ma.us)>; 'john@johnhurdllaw.com'  
<[john@johnhurdllaw.com](mailto:john@johnhurdllaw.com)>; 'Lenard Diggins' <[ldiggins@gmail.com](mailto:ldiggins@gmail.com)>;  
'dianemahon@verizon.net' <[dianemahon@verizon.net](mailto:dianemahon@verizon.net)>;  
'erichelmuth.arlington@gmail.com' <[erichelmuth.arlington@gmail.com](mailto:erichelmuth.arlington@gmail.com)>;  
'Collings, Jesse' <[jcollings@wickedlocal.com](mailto:jcollings@wickedlocal.com)>  
Cc: 'Nancy Adams' <[nancy@rmrealty.us](mailto:nancy@rmrealty.us)>; 'jnagle@arlingtonhousing.org'  
<[jnagle@arlingtonhousing.org](mailto:jnagle@arlingtonhousing.org)>; 'bconnor@arlingtonhousing.org'  
<[bconnor@arlingtonhousing.org](mailto:bconnor@arlingtonhousing.org)>; 'jpreston@arlingtonhousing.org'  
<[jpreston@arlingtonhousing.org](mailto:jpreston@arlingtonhousing.org)>; 'gtalanian@arlingtonhousing.org'  
<[gtalanian@arlingtonhousing.org](mailto:gtalanian@arlingtonhousing.org)>; 'fbadilla@arlingtonhousing.org'  
<[fbadilla@arlingtonhousing.org](mailto:fbadilla@arlingtonhousing.org)>; 'nmitropoulos@arlingtonhousing.org'  
<[nmitropoulos@arlingtonhousing.org](mailto:nmitropoulos@arlingtonhousing.org)>

Subject: Blue Bikes Rack and pedestrian safety at Railroad parking lot

Dear Mr. Amstutz:

As you will recall, I represent Mr. Megerditchian and RM Realty the owner of 635 Massachusetts Avenue which borders on the eastern end of the Railroad Parking lot.

On the October 25, 2021 the Select Board, agenda included item Number 13 the proposal to move the Blue Bike station from the location on the parking itself onto the sidewalk immediately adjacent to my client's building, which I also occupy as my office. As we had explained the notice for this meeting was not delivered to RM Realty until several days following that meeting which precluded Mr. Megerditchian from being able to speak against this proposed location.

On November 2, 2021 you met with, Mr. Megerditchian, Ms. Adams, his Office Manager and myself at the Bluebike station and we reviewed the proposed move and it was pointed out to you that the proposed location is impractical and actually presents a hazard to not only my client's property and his tenants, but to the general walking public as well. That area of sidewalk, which my clients sweeps and clears of snow is heavily used by the tenants of Winslow Towers and those who park in the parking lot and those who use the Minutemen bike path. As we demonstrated with measuring tapes that day the usable sidewalk area once the station was moved and the bikes were in placed is reduced to about three (3) feet. This reduction in sidewalk width will effectively prevent the clearing of snow and ice and will impede pedestrians, many of whom from Winslow Towers traverse this stretch of sidewalk with shopping carts, mobility walkers or are in

wheelchairs. In addition the station would partially block the three rear entrances to 637 Mass. Ave., all of which are heavily used. In addition, this portion of the sidewalk accumulates a lot of standing water following rain storms as well as ice in the winter and it would impossible to safely navigate the area if the Bluebike station was placed where proposed.

On Nov. 2, 2021 we pointed out another option for the bike rack location, which was the stretch of sidewalk immediately adjacent to the parking lot, that is within several feet of the then proposed location and which has the added benefit of being very lightly used, if at all. Together we measured this area and found it to be of adequate size and as flat as the proposed area. You indicated that you would speak to the Bluebike people and get back to us on the acceptability of the different location. We never heard back from anyone.

Today, Dec. 1, 2021, without any warning the location of the Bluebike station was moved to the area of the sidewalk that is immediately adjacent to my clients building. This is unacceptable for all of the reasons detailed above. I have attached a photograph of the now moved Bluebike station and the restricted sidewalk area with a marked the area that we proposed and reviewed with you as a safer and more pedestrian friendly and building owner/occupant friendly location for the Bluebike Station.

We are requesting that the Bluebike station be relocated or that the Select Board reopen their hearing on this matter so that my client's views and position can be heard and considered.

John D. Leone, Esq.  
Leone & Leone  
637 Massachusetts Avenue  
Arlington, MA. 02476  
781-648-2345







**COLDWELL BANKER**  
**RESIDENTIAL BROKERAGE**

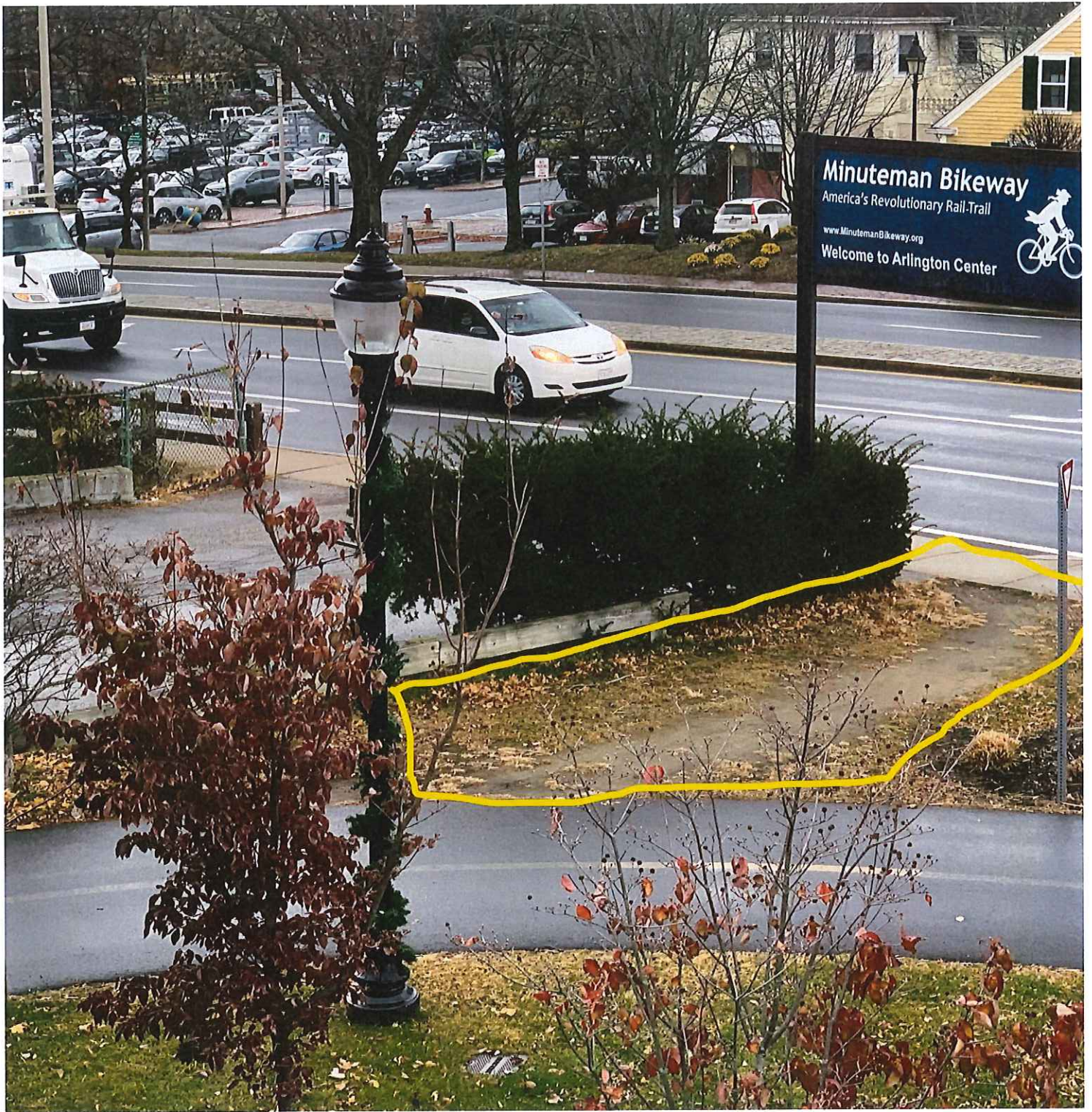
**BLUEbikes**













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## **Town of Arlington, Massachusetts**

**NEW BUSINESS**



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## **Town of Arlington, Massachusetts**

**A. To conduct a strategy session in preparation for contract negotiations with nonunion personnel, the Town Manager, and/or conduct contract negotiations with same.**



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## **Town of Arlington, Massachusetts**

**B. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements: Approval of Executive Session Minutes of: November 1, 2021 and November 8, 2021**





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## **Town of Arlington, Massachusetts**

**C. To discuss the Open Meeting Law complaint of Mr. Patrick Higgins pursuant to M.G.L. c. 30A sec.21 (a)(1).**



## **Town of Arlington, Massachusetts**

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### **Next Scheduled Meeting of Select Board December 20, 2021**

#### **Summary:**

You are invited to a Zoom webinar.

When: Dec 6, 2021 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

[https://town-arlington-ma-us.zoom.us/webinar/register/WN\\_-22MvqDiRB2an7U5O6e\\_Jg](https://town-arlington-ma-us.zoom.us/webinar/register/WN_-22MvqDiRB2an7U5O6e_Jg)

After registering, you will receive a confirmation email containing information about joining the webinar.

**\*Notice to the Public on meeting privacy\*** In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols.

Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.